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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,384	08/30/2005	Bernward Bayer	PC10508US	6043

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RATNERPRESTIA  
P O BOX 980  
VALLEY FORGE, PA 19482-0980

EXAMINER
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KRAMER, DEVON C

ART UNIT	PAPER NUMBER
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3683

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/524,384

Applicant(s)

BAYER ET AL.

Examiner

Devon C. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

- 1) Claims 8-14 are objected to because of the following informalities:

Claim 8 line 4, "with one of said friction linings" should be --with a first of said friction linings--;

Claim 8 line 11, "the reaction force" should be --a reaction force--;

Claim 8 line 12, "the area of attachment" should be --an area of attachment--;

Claims 10 and 11 line 2, "the carrier element" should be --a carrier element--;

Claim 14 line 2, "the metal grid" should be --a metal grid--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

- 2) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3) Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 lines 12-14, it is unclear what applicant is trying to claim in the last lines of claim 8. It seems that testing of the brake would allow for a user to see results on a display outside of the guide piece.

In re claim 10, the phrase, "preferably laser welded" is not definite.

***Claim Rejections - 35 USC § 102***

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 8-9 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Jungbecker et al (WO 01/73312). Please note that US 6,767,305 is an English equivalent to the PCT.

In re claims 8 and 11, Jungbecker teaches an actuating unit for an electromechanically actuated disc brake for automotive vehicles, which is disposed on a brake caliper wherein two friction linings (4, 5) respectively cooperating with a side face of a brake disc (6) are arranged in a manner displaceable to a limited extent, a first friction lining (4) being arranged so as to be directly movable into engagement with the brake disc by means of an actuating element (7), through the actuating unit, while the second friction lining is movable into engagement with the brake disc through the action of a reaction force applied by the brake caliper, wherein the actuating unit comprises an electric motor (11) and at least one reduction gear (2, 3, 17) operatively arranged between the electric motor and the first friction lining, and with the reduction gear being formed of a threaded drive accommodated in a gear housing and including a cylindrical guide piece (29) that is provided with a sensor device (43) for sensing the reaction force, wherein the guide piece has a reduced thickness of material in the area of attachment of the sensor device. Please note that the sensor (43) can be considered a

sensor module that allows testing outside the guide piece and is arranged in the area of attachment.

In re claim 9, see element 13.

In re claim 12, please note that grooves 45 can be considered recesses.

In re claim 13, see elements 44 and 45.

In re claim 14, see element 46 and 47.

6) Claim 10 is rejected under 35 U.S.C. 102(b) as anticipated by Jungbecker et al (WO 01/73312) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gerard et al (5127315).

Please note that claim 10 is not a method claim and a process can not be claimed, the claim requires that the carrier only be attached. Jungbecker is silent to laser welding.

Gerard teaches laser-welding part in a brake assembly.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have laser welded the carrier of Jungbecker as taught by Gerard merely to provide a secure connection for the carrier.

### ***Conclusion***

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olschewski et al teach laser welding parts in a brake. Jungbecker et al, Schwarz et al, Maron et al, Tachiiri et al, and Schack et al all teach sensor devices in brakes.

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8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Devon C Kramer  
Primary Examiner  
Art Unit 3683

*Devon C. Kramer*  
2/17/07

DK